

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FRANCES DU JU,

Plaintiff,

V.

MAURICE LACOMBE, AIRBNB,  
INC., STATE OF WASHINGTON, and  
JOHN DOE/JANE DOE EMPLOYEES  
OF THE COURT OF APPEALS,  
DIVISION II

### Defendants.

CASE NO. 18-cv-5309 BHS

**ORDER DENYING PLAINTIFF'S  
MOTION FOR  
RECONSIDERATION**

This matter comes before the Court on Plaintiff Frances Du Ju's ("Ju") motion for reconsideration. Dkt. 96. The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

## I. BACKGROUND

2 On April 20, 2018, Ju filed a complaint asserting numerous causes of action  
3 against Defendants the State of Washington and John/Jane Doe Employees of the Court  
4 of Appeals, Division II (collectively referenced in prior orders and hereinafter as the  
5 “State Defendants”), Maurice Lacombe (“Lacombe”), and Airbnb, Inc. (“Airbnb”). Dkt.  
6 1. Ju’s claims involve a landlord-tenant dispute with Lacombe regarding a room she  
7 rented from him through Airbnb’s rental platform and subsequent judicial actions arising  
8 from that dispute. *Id.*

9 On December 5, 2018, the Court issued an order granting a motion to dismiss  
10 based on judicial and sovereign immunity and lack of subject matter jurisdiction brought  
11 by the State Defendants. Dkt. 54. The Court concluded that any amendment of Ju's  
12 claims against the State Defendants was futile because she attempted a de facto appeal  
13 of state court decisions prohibited by the *Rooker-Feldman* doctrine. *Id.* The Court  
14 dismissed the claims against the State Defendants with prejudice. *Id.* at 13.

15 On October 18, 2019, the Court issued an order disposing of Ju’s remaining  
16 claims by granting Lacombe’s second motion to dismiss, granting Airbnb’s motion to  
17 confirm an arbitration award that dismissed all of Ju’s claims as previously settled, and  
18 denying Ju’s motions to vacate the award and for entry of default against Airbnb. Dkt.  
19 95. Relevant to the instant motion, the Court found that Ju’s claims against Lacombe  
20 were deficient because they either (1) lacked factual specificity or a cognizable legal  
21 theory, (2) attempted a de facto appeal of state judicial actions not permitted by the  
22 *Rooker-Feldman* doctrine, or (3) failed for both reasons. *Id.* Regarding Airbnb, the

1 Court found that Ju failed to meet the standard to vacate an arbitration award under  
2 sections 10(a)(3)–(a)(4) of the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.* The Clerk  
3 entered judgment dismissing Ju’s claims against Lacombe and Airbnb with prejudice the  
4 same day. Dkt. 96.

5 **II. DISCUSSION**

6 Motions for reconsideration are disfavored and will ordinarily be denied “in the  
7 absence of a showing of manifest error in the prior ruling or a showing of new facts or  
8 legal authority which could not have been brought to its attention earlier with reasonable  
9 diligence.” Local Rules W.D. Wash. LCR 7(h).

10 Ju has not shown manifest error necessary to disturb the Court’s prior finding that  
11 each of her claims against Lacombe lack factual specificity, lack a cognizable legal  
12 theory upon which relief could be granted, and/or fail as de facto appeals challenging  
13 state court decisions under the *Rooker-Feldman* doctrine. Dkt. 94 at 12–21. Nor has she  
14 established that this Court committed manifest error when it affirmed the arbitrator’s  
15 award in Airbnb’s favor based on the arbitrator’s finding that Ju had settled her claims  
16 against Airbnb prior to arbitration. *Id.* at 1–12. Accordingly, the Court denies her motion  
17 for reconsideration.

18 The Court also declines to consider Ju’s request to modify the judgment to  
19 “include the service fees of \$48 for Airbnb and \$55.10 for Mr. Lacombe” pursuant to  
20 Fed. R. Civ. P. 4(d)(2). Dkt. 96 at 7. This request for relief is improperly raised in a  
21 motion for reconsideration. Even if it were not, Lacombe filed a waiver of service, Dkt.  
22 49, and therefore the Court declines to award Ju costs predicated on his failure to do so.

1                   **III. ORDER**

2       Therefore, it is hereby **ORDERED** that Ju's motion for reconsideration, Dkt. 96,  
3       is **DENIED**.

4       Dated this 5th day of November, 2019.

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7                   BENJAMIN H. SETTLE  
United States District Judge